

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 vs.) Criminal No. 03-10377-WGY
)
ERIC LINO)

ORDER OF EXCLUDABLE DELAY

The Court hereby orders the exclusion of the period of time from December 22, 2003 through June 2, 2004 from the time within which this case must be tried under the Speedy Trial Act, for the reasons set forth herein:

1. The speedy trial clock commenced to run in this case on December 22, 2003, based on the date of the defendant's arraignment and entry of a not guilty plea. 18 U.S.C. § 3161(c)(1). The defendant was represented at his arraignment by Attorney Cornelius Kane, who entered a limited appearance for the proceedings, and notified the Court that Attorney Barry Wilson would file a notice of appearance to represent the defendant for all other proceedings.

2. On December 22, 2003, the Court (Cohen, MJ) entered an ORDER ON EXCLUDABLE DELAY excluding the time from December 22, 2003 to January 19, 2004 from the computations under the Speedy Trial Act, pursuant to Local Rule 112.2(A)(2).

3. On December 22, 2003, the Court (Cohen, MJ) entered an INITIAL SCHEDULING ORDER, which, after noting that the parties had elected to proceed under the automatic discovery rules, set

February 2, 2004 as the date to file and send any discovery request letters. The ORDER also set dates to file responses to discovery letters and to file discovery motions and responses to those motions. These latter dates were contingent on the filing of the discovery request letters.

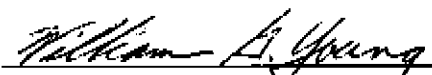
4. December 29, 2003, this Court entered a SCHEDULING ORDER, which also set February 2, 2004 as the date to file and send any discovery request letters. An Initial Status Conference was set for February 2, 2004 at 2:00 PM before this Court.

5. The scheduled February 2, 2004 Initial Status Conference did not occur.

6. On May 25, 2004, the Court set June 2, 2004, for a Scheduling Conference.

7. Pursuant to the requests of the parties, and in the interests of justice, therefor, the following period should be excluded for the purposes of the Speedy Trial Act computations: December 22, 2003 through June 2, 2004, the date of the Initial Status Conference before the Court. Excluding this period of time serves the interests of justice, and outweighs the best interests of the public and the defendant in a speedy trial, as it has permitted the defendant to obtain new counsel, for that counsel to review the case, for the parties to fully satisfy their discovery obligations, and to explore the possibility of resolving this case short of a trial. 18 U.S.C. § 3161(h)(8)(A).

SO ORDERED



WILLIAM G. YOUNG
UNITED STATES DISTRICT CHIEF JUDGE

Date Entered: June 2, 2004